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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on 17th June, 1977.

BILL No. 21 OF 1977

A Bill to make provision for the appointment and functions of an authority named the Lokpal for the investigation of administrative acts in certain cases and for matters connected therewith.

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Lokpal Act, 1977.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short
title,
extent
and
com-
mence-
ment.

2. In this act, unless the context otherwise requires,—

- (a) “action” includes failure to act;
- (b) “Minister” means a person appointed to be a member of the Council of Ministers whether of the Union or of a State and by whatever name called;
- (c) “Secretary” means a person appointed to be a Secretary to the Government of India or a State Government.

Defini-
tions.

CHAPTER II

THE LOKPAL

Appoint-
ment
of
Lokpal.

3. (1) The President shall, on the advice of the Prime Minister, appoint a person to be known as the Lokpal for exercising the powers and performing the functions assigned to the Lokpal under this Act.

(2) The Prime Minister shall tender the advice to the President, referred to in sub-section (1), after consultation with the Chief Justice of India and the Leader of the Opposition in the Lok Sabha, or, if there be no such leader, a person elected for the purpose of this sub-section, by the members of the Opposition in the Lok Sabha, in such manner as the Speaker may direct.

(3) Before he enters upon his office, the person appointed as Lokpal shall,—

(a) if he be a Member of Parliament or of the Legislature of any State, resign his membership of Parliament or of the Legislature, as the case may be;

(b) if he be the holder of any office of profit, resign from such office;

(c) if he be connected with any business, sever his connection with that business;

(d) if he be connected with any political party, sever his connection with that party.

Condi-
tions of
service.

4. (1) Every person appointed as Lokpal shall hold office for a term of five years from the date on which he enters upon his office, but shall be eligible for reappointment for one more term.

(2) Notwithstanding anything contained in sub-section (1), the Lokpal may,—

(a) by writing under his hand addressed to the President, resign his office at any time;

(b) be removed from his office in accordance with the provisions of sub-section (3).

(3) The Lokpal shall not be removed from his office except by an order of the President passed after an address by each House of Parliament supported by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting has been presented to the President in the same session for such removal on the ground of proved misbehaviour or incapacity.

(4) The law, if any, passed by Parliament for regulating the procedure for the presentation of an address and for the investigation and proof of the misbehaviour or incapacity of a Judge under clause (5) of article 124 of the Constitution shall also apply *mutatis mutandis* to the Lokpal.

(5) On ceasing to hold office, the Lokpal shall be ineligible for further employment either under the Government of India or under the Government of a State or in any Government Undertaking.

(6) The Lokpal shall be entitled to the same status, salary and allowances and conditions of service as the Chief Justice of India.

5. Every person appointed as Lokpal shall, before he enters upon his office, make and subscribe before the authority prescribed by the President in that behalf, an oath according to the form set out hereunder:—

Oath
by
Lokpal.

"I, A.B. having been appointed Lokpal do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or illwill."

6. (1) The Lokpal may appoint such officers and employees as may be necessary for the efficient discharge of his functions under this Act.

Appoint-
ment of
Officers
and
staff.

Provided that the category of officers and employees and the number thereof that may be appointed under this section shall from time to time be fixed with the approval of the President.

(2) The salaries of persons appointed under this section and their conditions of service shall be such as are approved by the President.

CHAPTER III

FUNCTIONS AND POWERS OF THE LOKPAL

7. (1) Subject to the provisions of this Act, the Lokpal may investigate any action taken by or with the approval of a Minister or Secretary, being action taken in the exercise of his administrative functions, in any case where—

Matters
subject
to his
investiga-
tion.

(a) a written complaint is duly made to the Lokpal by a person who claims to have sustained injustice in consequence of mal-administration in connection with such action or who affirms that such action has resulted in favour being unduly shown to any person or in accrual of personal benefit or gain to the Minister or to the Secretary, as the case may be, or

(b) information has come to his knowledge otherwise than on a complaint under clause (a) that such action is of the nature mentioned in that clause.

(2) Except as hereinafter provided, the Lokpal shall not conduct an investigation under this Act in respect of any of the following matters,—

(a) any action in respect of which the person aggrieved has or had a right of appeal, reference, or review to or before a tribunal duly constituted by or under any enactment;

(b) any action in respect of which the person aggrieved has or had a remedy by way of proceedings in any court of law:

Provided that the Lokpal may conduct an investigation notwithstanding that the person aggrieved has or had a remedy by way of

proceedings in a court of law if he is satisfied that in the particular circumstances it is not reasonable to expect him to take or to have taken such proceedings.

(3) A complaint shall not be entertained under this Act unless it is made not later than twelve months from the date on which action complained against took place.

(4) The Lokpal may in his discretion refuse to investigate or may cease to investigate an administrative action if he is satisfied that—

(a) a remedy for the injustice alleged to have been caused thereby exists and he is of the opinion that the complainant should seek his remedy accordingly, or

(b) the complaint against the action is trivial, frivolous or is not made in good faith, or

(c) there are no sufficient grounds for proceeding with his investigations.

(5) In any case where the Lokpal decides that he will not investigate or that he will cease to investigate an administrative action complained of or that the complainant should seek his remedy elsewhere, he shall inform the complainant accordingly.

(6) Without prejudice to sub-section (2) of this section, the Lokpal shall not conduct an investigation under this Act in respect of any of the following matters:—

(a) Action taken in a matter certified by a Union Minister as affecting the relations or dealings between the Government of India and any foreign Government or any international organisation of States or Governments;

(b) action taken under the Extradition Act, 1962 or the Foreigners' Act, 1946;

(c) action taken for the purpose of investigating crime or protecting the security of the State including action taken with respect to passports;

(d) action taken in the exercise of power in relation to determining whether a matter shall go to a court or not;

(e) action taken in matters which arise out of the terms of contract governing purely commercial relations of the administration with customers or suppliers, except where the complainant alleges harassment or gross delay in meeting contractual obligations;

(f) action taken in respect of appointments, removals, pay, discipline, superannuation or other personnel matters;

(g) grant of honours and awards;

(h) a decision made in exercise of his discretion by an administrative authority unless the elements involved in the exercise of discretion are absent to such an extent that no discretion has been exercised at all.

8. (1) Where the Lokpal proposes to conduct an investigation under this Act, he shall afford the Minister or Secretary concerned an opportunity to comment on any allegations of maladministration made against such Minister or Secretary.

Procedure
in respect
of investi-
gations.

(2) Every such investigation shall be conducted in private and the procedure for conducting an investigation shall be such as the Lokpal considers appropriate in the circumstances of the case.

9. (1) Subject to the provisions of this section, for the purposes of investigation under this Act, the Lokpal may require any Minister or officer or any other person who in his opinion is able to furnish information or produce documents relevant to the investigation to furnish any such information or produce any such document.

Evidence

(2) For the purpose of any such investigation the Lokpal shall have all the powers of a civil court while trying the suit under the Code of Civil Procedure, 1908 in respect of the following matters:—

5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) discovery and production of documents;

(c) receiving evidence on affidavits;

(d) receiving any public record or copy thereof from any office.

(3) Subject to the provisions of sub-section (4) of this section, no obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to Government or persons in Government service, whether imposed by any enactment or by any rule of law, shall apply to the disclosure of information for the purposes of investigation under this Act.

(4) No person shall be required or authorised by virtue of this Act to furnish any information or answer any question or produce any document—

(a) which might prejudice the security or defence or international relations of India (including India's relations with the Government of any other country or with any international organisation), or the investigation or detection of crime, or

(b) which might involve the disclosure of proceedings of the Cabinet or any committee of the Cabinet;

Provided that for the purposes of this sub-section a certificate issued by the Secretary of the Cabinet of the Central Government or the Chief Secretary of the State concerned with the approval of the Prime Minister or the Chief Minister of the State as the case may be certifying that any information, question or document is of such a nature, shall be conclusive.

(5) For the purpose of enforcing the attendance of witnesses the legal limits of the Lokpal's jurisdiction shall be the limits of the territory of India.

(6) Subject to the provisions of sub-section (3) of this section, no person shall be compelled for the purposes of investigation under this Act to give any evidence or produce any document which he could not be compelled to give or produce in proceedings before a court.

Obstruction and contempt.

10. (1) If any person without lawful excuse obstructs the Lokpal in the performance of his functions under this Act or is guilty of any act of omission in relation to an investigation under this Act which, if that investigation were a proceeding before a court, would constitute contempt of court, the Lokpal may certify the offence to the Supreme Court. For this purpose, if in connection with a complaint made under clause (a) of sub-section (1) of section 7, a person wilfully makes a false statement before the Lokpal he shall be deemed to be guilty of an Act constituting contempt of court.

(2) Where an offence is certified under this section, the Supreme Court may inquire into the matter and dispose it of as if it related to a charge of contempt of the Supreme Court itself.

Reports by the Lokpal.

11. (1) After taking into consideration the comments of the Minister or the Secretary, as the case may be, the Lokpal may decide not to proceed further with the investigation in which case he will inform the complainant accordingly.

(2) In any case where the Lokpal decides further to conduct an investigation under this Act, he shall send an intimation of the same to the Minister or a Secretary concerned and the complainant.

(3) If after conducting an investigation under this Act, it appears to the Lokpal that injustice has been caused to the person aggrieved in consequence of maladministration, he shall inform the Minister or Secretary concerned, as the case may be, and require that it be remedied within such period as he may in his discretion and having regard to the circumstances of the case deem sufficient.

(4) If the injustice is not remedied or the Lokpal considers that it may not be remedied he may bring the matter to the notice of the Prime Minister or the Chief Minister of the State, as the case may be, who will intimate to the Lokpal the action taken in the matter within a period of two months.

(5) If the Lokpal is satisfied with the action taken, he will close the case, but where he is not so satisfied and he considers that the case so deserves, he may make a special report upon the case to the Lok Sabha or the Legislative Assembly of the State concerned as the case may be

(6) If as a result of his investigation the Lokpal comes to the conclusion that the administrative action of a Minister or Secretary has resulted in a favour being unduly shown to any person or in the accrual of a personal benefit or gain to the Minister or the Secretary, as the case may be, he shall communicate his conclusion along with the material on the basis of which he has arrived at the conclusion to the Prime Minister or the Chief Minister concerned. The Prime Minister or the Chief Minister concerned shall thereupon take such action as is considered necessary on the report and inform the Lokpal within two months of the receipt thereof the action taken or proposed to be taken thereon.

(7) The Lokpal shall lay before the Parliament or the Legislature of the State concerned annual reports on the performance of his functions under this Act.

19 of 1923

12. (1) It is hereby declared that the Lokpal, his officers and other employees are subject to the provisions of the Indian Official Secrets Act, 1923.

Secrecy
of infor-
mation.

(2) Information obtained by the Lokpal or his officers in the course of or for purposes of investigation under this Act shall not be disclosed except—

(a) for purposes of the investigation and for any report to be made thereon under this Act;

(b) for purposes of any proceedings for an offence under the Indian Official Secrets Act, 1923 or an offence of perjury or for purposes of any proceedings under section 10 of this Act.

(3) The Lokpal and his officers shall not be called upon to give any evidence in any proceedings (other than such proceedings as aforesaid) of matters coming to his or their knowledge in the course of an investigation under this Act.

(4) A Minister may give notice in writing to the Lokpal with respect to any documents or information specified in the notice or any class of documents so specified that in the opinion of the Minister the disclosure of the documents or information or documents or information of that class would be contrary to the public interest and where such a notice is given, nothing in this Act shall be construed as authorising or requiring the Lokpal or any officer of the Lokpal to communicate to any person any document or information specified in the notice or any document or information of a class so specified.

(5) No person shall publish any proceedings relating to an investigation which is pending before the Lokpal; nor shall any person publish such proceedings after the investigation is completed unless prior permission for the publication is obtained from the Lokpal.

(6) Any person committing a breach of sub-section (5) of this section shall be treated as having committed contempt for the purposes of section 10 and on any such contempt being certified by the Lokpal, the Supreme Court shall deal with it as if it were a case of contempt before that court.

(7) Nothing in sub-sections (5) and (6) shall apply to the publication of any report sent by the Lokpal to the complainant or to the Lok Sabha or to the legislature of a State as the case may be.

13. No suit, prosecution, or other proceeding shall lie against the Lokpal or any of his officers in respect of anything which is in good faith done or intended to be done under this Act.

Protec-
tion of
action
taken
in good
faith.

STATEMENT OF OBJECTS AND REASONS

Corruption with its cancerous growth has been corroding the national fibre. This problem has been agitating the mind of the people. To have an institution on the basis of Ombudsman where corruption charges against Ministers and high officials could be dealt with is very necessary. The Administrative Reforms Commission in its interim report has recommended the appointment of Lokpal. He will be appointed by the President on the advice of the Prime Minister who shall tender such advice after consultation with the Chief Justice of India and the Leader of the Opposition in Lok Sabha. He will be independent of executive and will be insulated against any political or administrative pressure. He will not be removable from office except in the manner prescribed in the Constitution for the removal from office of a judge of the Supreme Court. The institution of Lokpal will go a long way in eradicating corruption.

The recommendations of the Administrative Reforms Commission on this subject have been pending consideration of the Government of India since 20th October, 1966. No action has so far been taken by the Government in this regard.

Hence this Bill.

P. K. DEO

NEW DELHI;

The 25th March, 1977.

FINANCIAL MEMORANDUM

Clauses 3, 4 and 6 of the Bill, relating to salary and allowances of the Lokpal, his officers and other staff, when enacted would involve expenditure from the Consolidated Fund of India. The initial non-recurring expenditure of the Central Government will be Rs 30 lakhs. The recurring annual expenditure will be about Rs. 10 lakhs.

BILL No 22 OF 1977

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short
title

1. This Act may be called the Constitution (Amendment) Act, 1977.

Amend-
ment of
article 16

2. In article 16 of the Constitution, after clause (4), the following clause shall be inserted, namely:—

“(4A) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of Ex-servicemen.”.

STATEMENT OF OBJECTS AND REASONS

It is often seen that the Ex-servicemen who have got the age and capability to work are thrown as destitutes after the termination of their tenure of active service. It is the duty of the State to rehabilitate them after their valiant sacrifice and utilise their discipline and ability in the constructive activities of the State.

P. K. DEO

NEW DELHI;

The 26th March, 1977.

BILL NO. 23 OF 1977

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1977.

Substitu-
tion of
article
156.

2. For article 156 of the Constitution, the following article shall be substituted, namely:—

Term of
office of
Govern-
or.

“156. (1) The Governor shall hold office for a term of five years from the date on which he enters upon his office.

(2) The Governor may, by writing under his hand addressed to the Speaker of the Legislative Assembly of the State or where there are two Houses of the Legislature of the State, to the Speaker of the Legislative Assembly and Chairman of the Legislative Council of the State, resign his office.

(3) A Governor may, for violation of the Constitution, be removed from office by impeachment in the manner provided in article 159A of the Constitution.

(4) A Governor shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

3. After article 159 of the Constitution, the following new article shall be inserted namely:—

Insertion
of new
article
159A.

“159A. (1) When a Governor is to be impeached for violation of the Constitution, the charge shall be preferred by the Legislative Assembly of the State.

Proce-
dure for
impeach-
ment of
Gover-
nor.

(2) No such charge shall be preferred unless,—

(a) the proposal to prefer such charge is contained in a resolution which has been moved after a notice in writing signed by not less than thirty members of the Assembly has been given of their intention to move the resolution; and

(b) the resolution has been supported by not less than two-thirds of the total membership of the Assembly.

(3) When a charge has been so preferred, the Speaker of the Assembly shall inform the Chairman of the Council of States and thereupon the Council of States shall appoint a Committee which may consist of or include persons who are not members of the Council, to investigate the charge and the Governor shall have the right to appear and to be represented at such investigation.

(4) If as a result of investigation, a resolution is passed, supported by not less than two-thirds of the total membership of the Council of States declaring that the charge preferred against the Governor is sustained, such resolution shall have the effect of removing the Governor from his office as from the date on which the resolution is communicated to the Speaker of the Assembly.”

STATEMENT OF OBJECTS AND REASONS

There is no provision in the Constitution of India for impeachment of Governor on the analogy of the impeachment of the President. Under the Constitution, the Governor of State is appointed by the President by warrant under his hand and seal and holds office during the latter's pleasure. Recently, in different States, exercise of their authority by Governors has been arbitrary and questionable. As the Governor holds office during the pleasure of the President and as the President exercises his functions under the aid and advice of the Council of Ministers of the Government of India, Governors are virtually directly responsible to the Council of Ministers of the Government of India through the President. As a Governor is not impeachable like the President, he is more privileged than the President.

It is high time that the Governor should be subjected to impeachment like the President as provided under article 61 of the Constitution and provision be made in the Constitution for the impeachment of Governor.

Hence this Bill.

NEW DELHI;

P. K. DEO.

The 26th March, 1977.

BILL NO. 41 OF 1977

A Bill to provide for the nationalisation of all the foreign owned plantations in India.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Foreign Owned Plantations (Nationalisation) Act, 1977.

Short title
and com-
mence-
ment.

(2) It shall come into force at once.

2 In this Act, unless the context otherwise requires, "foreign owned plantation" means any plantation falling in the following categories:—

Defini-
tions.

(a) the plantations owned by companies which are registered or incorporated in foreign countries;

(b) the plantations owned by a person or persons who is a citizen of another country;

(c) the plantations which are owned by companies in which majority shares are owned by foreign companies or citizens;

(d) any other category of plantations in India owned or controlled by foreign companies or citizens of other countries.

Setting
up of
National
Planta-
tions Cor-
poration.

3. There shall be set up by the Central Government a Corporation to be known as the National Plantations Corporation to administer and manage the plantations, which shall be nationalised by this Act

Vesting
of owner-
ship,
adminis-
tration
and
manage-
ment.

4. On the commencement of this Act, the ownership, administration and management of all the foreign owned plantations shall vest in the Central Government.

National
Planta-
tions
Corpora-
tion to
manage
and ad-
minister
the
Planta-
tions.

5. The Central Government shall entrust the National Plantations Corporation with the administration and management of all the plantations whose ownership vests with the Central Government under this Act.

STATEMENT OF OBJECTS AND REASONS

The foreign owned plantations in India are notorious for their brutal exploitation of the poor plantation workers in the most uncivilised manner which reminds us of the old days of colonial subjugation. This should be put an end to.

The enormous profit these plantations are making and its continuous repatriation from our country are hindrance to our economic growth and social progress. It is a drain on our economy.

The owners of these plantations are not very certain about their future in India. This uncertainty becomes acute when they see that many newly independent countries are nationalising the foreign owned plantations and industries. As a result of this, they are steadily losing interest even in the maintenance of these plantations and they are now virtually neglecting these totally.

It is a fact that the foreign owners of plantations had completely abandoned all the developmental activities in their plantations. Most of them had stopped replanting, proper maintenance etc. Their only aim now is to get whatever maximum out of these plantations by spending absolutely the minimum.

If this will be allowed to continue, it would ruin these plantations which will be a great national loss.

Besides these, the plantation industry is a highly profitable one if it is brought under the control of the Government, it would contribute greatly for us to achieve our economic goals. As a first step in this direction, the foreign owned plantations should be nationalised.

Taking all these into account the Kerala Government had sent an ordinance to the Centre for the nationalisation of the foreign owned plantations in Kerala. Though this ordinance had been sent to the Centre in 1971, no decision has been taken about it so far. As a result of this indecision and inordinate delay of the Centre, the Kerala Government could not nationalise the foreign owned plantations in that State.

As the problem of foreign owned plantations is one which affects several States in India, an Act of Parliament would help the Government to bring all the foreign owned plantations under the Government and to administer and manage those in a more co-ordinated, effective and systematic manner through a Central agency, the National Plantations Corporation.

Hence this Bill.

NEW DELHI;

C. K. CHANDRAPPA,

The 31st March, 1977.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a Corporation by the Central Government for administering the plantations the ownership of which would be transferred to the Central Government. Though no recurring expenditure is likely to be involved in setting up of the Corporation, a non-recurring expenditure of about rupees ten lakhs is likely to be involved from the Consolidated Fund of India.

BILL No. 36 OF 1977

A Bill to provide for funds and facilities, and to set up necessary bodies to ensure compulsory adult Education in India.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

- | | |
|---|---------------------------------------|
| 1. (1) This Act may be called the Compulsory Adult Education Act, 1977. | Short title, extent and commencement. |
| (2) It extends to the whole of India. | |
| (3) It shall come into force, within six months from the date of its assent by the President, on such date as the Central Government may, by notification in the Official Gazette, appoint. | |
| 2. In this Act, unless the context otherwise requires,— | Definitions. |
| (a) "adult" means any person belonging to the age group of 15 to 50 years; | |
| (b) "agricultural worker" means any one who is a wage labourer engaged in agricultural operation; | |
| (c) "farmers" means those who are engaged in farming and employing agricultural workers; | |

(d) "illiterate" means a person who does not know how to read and write;

(e) "literacy camp" means a camp organised for the purpose of promotion of literacy campaign by the Government;

(f) "one-man-literacy-centre" means a centre run to provide literacy to adult illiterates,

(g) "students" means students of secondary school and above;

(h) "worker" means any one who works in any factory which is considered a factory under the Factories Act, 1948.

63 of 1948.

Compul-
sory
adult edu-
cation,

3. Every adult illiterate shall be provided facilities for compulsory education for making him or her literate.

Literacy
of
workers.

4. (1) Every factory having a strength of hundred workers or more shall run a one-man-literacy-centre in its own premises for the education of its own illiterate workers.

(2) Factories having a strength of less than hundred workers each shall send their illiterate workers to one-man-literacy-centres situated in the locality where the factories are situated.

Literacy
of agri-
cultural
workers.

5. Farmers shall send their illiterate agricultural workers to one-man-literacy-centres situated in the locality where the farms are situated.

Facility
to wor-
kers and
agricul-
tural
workers.

6. All the adult illiterate workers and agricultural workers shall be given one hour off, every day for one year, with pay, by their employers in order to enable them to join the literacy centres for education.

Penalty
for em-
ployers
and
farmers.

7. If any employer or farmer denies the facility, provided for in section 6, to an adult illiterate worker or agricultural worker, he shall be liable to an imprisonment of six months or a fine of rupees one thousand, or both.

Penalty
for
workers
and agri-
cultural
workers.

8. (1) All illiterate adult workers and agricultural workers shall compulsorily join the one-man-literacy-centres for education for one year.

(2) If any adult illiterate worker or agricultural worker fails to join the one-man-literacy-centre for education, he or she shall be warned first and thereafter if he or she fails in doing this, the person shall be fined every day by deducting from his wage an amount which is equivalent to his pay for one hour.

(3) If any worker or agricultural worker fails to join the one-man-literacy-centre again in spite of the penalty imposed on him under sub-section (2) he or she shall be suspended from the job.

Literacy
of other
persons.

9. All adult illiterate persons, other than the adult illiterate workers or agricultural workers, shall have to join the one-man-literacy-centres compulsorily.

10. Every male adult illiterate person specified in section 9 shall be paid a stipend of rupees seventy-five per month for one year during the course of his studies in one-man-literacy-centre provided his monthly income does not exceed rupees one hundred.

Stipend to male illiterates specified in section 9.

11. (1) Every female adult illiterate person specified in section 9 shall be paid a stipend of rupees one hundred per month for one year during the course of her studies in one-man-literacy-centre, whatever be her income.

Special stipend to women, Harijans and Tribals.

(2) All adult illiterates, whether male or female, belonging to Scheduled Castes or Scheduled Tribes shall be paid a stipend of rupees one hundred per month during the course of their studies in one-man-literacy-centres.

12. The stipends provided for in sections 10 and 11 shall be paid from the Adult Education Fund.

Stipend to be paid out of Adult Education Fund.

13. (1) "One-man-literacy-centres" shall be set up by the Government in every ward of all Gram Panchayats in the country.

Setting up of one-man-literacy-centre.

(2) In class A and class B cities, there shall be set up twenty one-man-literacy-centres in every ward of the municipal corporations.

(3) In all other towns, there shall be five to ten one-man-literacy-centres in every ward of the municipality.

14. (1) One-man-literacy-centres shall be literacy schools for a batch of a minimum of forty adult illiterates.

Functioning of one-man-literacy-centres.

(2) One-man-literacy-centres shall be fully manned by one person, who shall be the teacher in that centre.

(3) The persons for running one-man-literacy-centres shall preferably be selected from among the registered educated unemployed people and shall be paid by the Government a consolidated amount of rupees one hundred fifty per month.

(4) One-man-literacy-centres shall not be set up in rented premises, but shall be setup in some Government or any other public building or in buildings secured through Panchayats, Cooperative Societies, Libraries, Factories, Clubs, Schools or Colleges.

15. (1) It shall be compulsory for all students who complete secondary education and above to go for one year teaching in one-man-literacy-centres and literacy camps in the country.

Compulsory students participation.

(2) Secondary education certificates shall not be issued to the students who complete the secondary education before they complete this one year teaching and those students who fail to do this without adequate reason shall be declared ineligible for any job.

Constitu-
tion of
Adult
Education
Board.

16. (1) There shall be constituted an All India Adult Education Board which shall consist of—

- (a) the Union Education Minister who shall be the Chairman of the Board;
- (b) Education Ministers of all the States;
- (c) Secretary of the Union Ministry of Education and his counterparts from all the States;
- (d) five representatives of one-man-literacy-centres;
- (e) five representatives of students;
- (f) three representatives each from Central Trade Unions;
- (g) three representatives of agricultural labourers;
- (h) five representatives each of the industrialists and farmers;
- (i) five representatives of newspapers;
- (j) one representative each of all Universities;
- (k) ten representatives of women;
- (l) five representatives each of Parliament and State Legislatures.

(2) The term of the All India Adult Education Board shall not be more than three years.

Functions
of Adult
Education
Board.

17. The Adult Education Board shall—

- (a) handle the Adult Education Fund established under section 21;
- (b) plan, coordinate and conduct the national campaign for adult education;
- (c) produce necessary books, literature and audio-visual education equipments for adult education;
- (d) organise teachers' training and refresher courses;
- (e) organise mass campaign to popularise the adult education programmes.

Constitu-
tion and
functions
of Exe-
cutive
Commit-
tee.

18. (1) There shall be an Executive Committee of the Adult Education Board which shall consist of—

- (i) the Union Education Minister;
- (ii) the Secretary of the Union Ministry of Education;
- (iii) two State Education Ministers to be selected by rotation;
- (iv) one representative each of the one-man-literacy-centres and students;
- (v) one representative each of industrialists and farmers;
- (vi) one representative each of workers and agricultural workers;
- (vii) one representative of women;
- (viii) one representative of Universities;
- (ix) one representative of newspapers;
- (x) one representative each from Parliament and State Legislatures.

(2) The Executive Committee shall be fully responsible for implementation of the decisions of the Adult Education Board and shall deal with all funds of "Adult Education Fund."

19. There shall be levied and collected a literary cess for the purposes of this Act by way of a surcharge on income-tax at the rate of ten per cent of such income-tax:

Levy and collection of literary cess.

Provided that in the case of agricultural income, the literary cess shall be levied and collected by way of a surcharge on land revenue or surcharge on cess on agricultural produce, as the case may be, at the rate of ten per cent. of such land revenue or cess on agricultural produce.

20. The proceeds of literary cess levied under section 19 shall first be credited to the Consolidated Fund of India and the Central Government may, if Parliament, by appropriation made by law in this behalf, so provides, pay to the Adult Education Board, from time to time from out of such proceeds, such sums of money, as it may think fit.

Crediting proceeds of cess to Consolidated Fund of India.

21. (1) There shall be established a Fund to be called the Adult Education Fund to which shall be credited—

Establishment of Adult Education Fund.

(a) the proceeds of the cess made over to the Board by the Central Government under section 20; and

(b) all fines collected under sections 7 and 8.

(2) The Fund shall be applied towards meeting the expenses of the Board and the cost of measures referred to in sections 10, 11 and 17.

22. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to each of the States by way of grants such sums of money as the Central Government may, consider necessary.

Grants to States.

23. (1) The Central Government may, by notification in the Gazette make rules to carry out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is one of the greatest failures of India that she could not wipe out the blot of illiteracy from her face. It is a shame that in absolute terms illiteracy has grown in our country since independence. That means that in India today we have more illiterates amongst us than what we had in 1947 at the time of our independence.

In India at present we have slightly over 70 per cent. of population who are absolutely illiterate. India is one of the countries with largest number of illiterates.

This is not an enviable situation. Considering the great magnitude of the problem, the Government had taken hardly any measure to do away with this serious social malady. The Government never had shown a sense of urgency to fight this social menace. It always felt satisfied in merely undertaking some routine and formal steps for fighting illiteracy.

In modern world, especially in socialist countries, fighting and eradicating illiteracy had been given top priority. It has been considered as one of the essential pre-requisites for achieving social progress and providing strength and vitality to democracy. The classical experience of the Asiatic republics of the Soviet Union, Mongolia and Cuba in removing illiteracy in shortest possible time with mass literacy movement is inspiring and worth studying. The way illiteracy has been fought by the heroic people of Vietnam and Cambodia even when their country was engulfed in the flames of war provides us inspiring lessons in fighting illiteracy with determination, as against any other enemies. But in India Government has allotted a meagre amount of money for literacy campaign and left it mainly with few voluntary bodies.

But what is needed is a massive and time bound effort on a war footing with the aim of removing illiteracy from India. For that, India and her people will have to take some drastic measures. We have to find out resources too.

This Bill seeks to provide institutional guarantees, facilities and funds for this purpose.

NEW DELHI;
The 1st April, 1977.

C. K. CHANDRAPPAN.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE
CONSTITUTION OF INDIA

[Copy of letter No H-11016/1/77-NFE.2, dated the 15th May, 1977 from Dr. P. C. Chunder, Minister of Education and Social Welfare to the Secretary-General, Lok Sabha.]

The Vice-President acting as President having been informed of the subject matter of the proposed Bill, recommends to the House the introduction and consideration of the Bill, under article 117(1) and 117(3) respectively of the Constitution,

FINANCIAL MEMORANDUM

Clauses 10 and 11 of the Bill provide for payment of stipend to adult illiterates who join the literacy-centres. Clause 17 provides for various functions of the Board, e.g., national campaign to popularise adult education programmes, production of necessary books, etc. Expenditure on these accounts will be met from the Adult Education Fund.

Under clause 13, one-man-literacy-centres will be set up by the Government. A monthly salary of rupees one hundred fifty will be paid to teachers at the centres under clause 14.

With a view to raise the necessary resources for carrying out the purposes of this Act, clause 19 of the Bill seeks to provide for levying a literacy cess. The proceeds of the literacy cess will be paid into the Consolidated Fund of India and out of such proceeds shall be paid by the Central Government through appropriation by Parliament by law in this behalf such sums of money to the Adult Education Board as it thinks necessary (clause 20).

As responsibility has been cast on the State Governments to set up and run the literacy centres, clause 22 of the Bill provides for payment of grants to States after due appropriation made by Parliament. The Central Government will also have to spend moneys on literacy-centres set up by it in the Union territories.

Expenditure will also be involved on the collection of literacy-cess, though by way of a surcharge, to some extent.

In view of the above, a recurring expenditure of about rupees one hundred twenty crores is likely to be involved from the Consolidated Fund of India.

An approximate amount of rupees ten crores is likely to be required from the Consolidated Fund of India towards non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 23 of the Bill empowers the Central Government to frame rules to carry out the purposes of the Act. As the rules will relate to matters of detail, the delegation of legislative powers is of a normal character.

BILL No. 40 OF 1977

A Bill furthered to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-eight Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1977. Short title.
2. In article 74 of the Constitution after clause (1), the following clause shall be inserted, namely:— Amendment of article 74.

“(1A) The size of the Council of Ministers shall not exceed ten per cent. of the strength of the House of the People.”
3. In article 163 of the Constitution, in clause (1), the following proviso shall be inserted, namely:— Amendment of article 163.

“Provided that the size of the Council of Ministers shall not exceed ten per cent of the total strength of the Legislative Assembly of any State except in cases of States where the strength of the Legislative Assembly does not exceed sixty.”

STATEMENT OF OBJECTS AND REASONS

In our Constitution there is no provision stipulating the size of the Council of Ministers. This has been pointed out by expert bodies which had gone into the question of our constitutional reforms.

As a result of this, many a times the strange spectacle of Cabinet expansion, with no sense of proportion or justification has been witnessed. Cabinet expansion has been used as a technique to "accommodate" various groups and sections without bothering about the requirements of the State or the additional financial commitment involved in doing so. In several cases it has been found that some Chief Ministers are often expanding their cabinet as an exercise in naked political corruption.

In this context, it is necessary to put an end to this for making our political practices more just and fair. It would also help in avoiding eriminal waste of public money by unscrupulous politicians for indulging in unholy political games

Hence this Bill

NEW DELHI;
The 1st April, 1977,

C. K. CHANDRAPPAN,

BILL NO 39 OF 1977

A Bill to amend the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970

Whereas it is expedient to provide for the acquisition and transfer of the undertakings of some more banking companies;

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Banking Companies (Acquisition and Transfer of Undertakings) Amendment Act, 1977.

(2) It shall come into force at once.

5 of 1970.

2. In section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (hereinafter referred to as the principal Act, after sub-section (I), the following sub-section shall be inserted, namely:—

‘(1A) On the commencement of the Banking Companies (Acquisition and Transfer of Undertakings) Amendment Act, 1977, there shall be constituted such corresponding new banks as are specified in the First Schedule “A”’.

Short
title
and com-
mence-
ment.

Amend-
ment of
section 3

Amend-
ment of
section 4.

3. Section 4 of the principal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section, shall be inserted, namely:—

‘(2) On the commencement of the Banking Companies (Acquisition and Transfer of Undertakings) Amendment Act, 1977, the undertaking of every existing bank, as is specified in the First Schedule “A”, shall be transferred to, and shall vest in, the corresponding new bank’.

Insertion of
First
Schedule
“A”.

4. After the First Schedule to the principal Act, the following Schedule shall be inserted, namely:—

FIRST SCHEDULE “A”

(See sections 3 and 4)

<i>Existing bank</i>	<i>Corresponding new bank</i>
Andhra Bank Limited	Andhra Bank.
Vijaya Bank Limited	Vijaya Bank.
Punjab and Sind Bank Limited	Punjab and Sind Bank.
Corporation Bank Limited	Corporation Bank.
New Bank of India Limited	New Bank of India.
Oriental Bank of Commerce Limited	Oriental Bank of Commerce.

STATEMENT OF OBJECTS AND REASONS

In 1970, the government had nationalised 14 big private banks in our country which were either owned or controlled by big Business Houses. It was a right step which was hailed by the whole country. The main purpose of bank nationalisation was to ensure socio-economic justice to larger sections of our people, especially to the weaker sections. It was also a decisive step taken against the Indian Monopolies.

Banks whose deposits exceeded an amount of Rs. 50 crores at that time were the banks which were nationalised. Today half a dozen private banks in our country are having deposits which exceed Rs. 50 crores. It is very often heard that these private banks which are run like "empires" are mainly guided by profit motive and are infested with various malpractices in their financial policies and administrations.

There is no reason for not nationalising these banks too. The same arguments which were good for nationalising the 14 private banks in 1970 are fully valid for the nationalisation of these banks also. This is the logical continuation of the very same policy by which banks were nationalised in 1970.

Hence this Bill.

NEW DELHI;
The 1st April 1977.

C. K. CHANDRAPPAN.

BILL NO. 26 OF 1977

A Bill to regulate the publication and import of political literature by foreign missions in India.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short
title.

1 This Act may be called the Publication and Import of Political Literature by Foreign Missions in India (Regulation) Act, 1977.

Ban on
printing
of politi-
cal pro-
paganda
material.

2. No printing press in India shall print, without the permission of the Central Government or any other authority appointed by the Central Government in this behalf, any matter including a political periodical or a political book or booklet on behalf of any foreign mission which may contain,—

(a) adverse criticism of any country having diplomatic relations with India; and

(b) politically motivated propaganda material.

3 No political party or trade agency or book-seller or publisher or any other organisation of similar nature shall,—

(i) import any politically literature or periodical or book or booklet from any foreign country, or

(ii) receive free of charge or as gift such periodicals or books, for the purpose of trade without the permission of the Central Government or the prescribed authority.

Provided that the Central Government or the prescribed authority may permit the import of complimentary copies of any political literature for individual use and also import of classical or standard books on politics or political theories or political philosophies.

4. No press in India shall print on behalf of any Indian publisher any political literature including periodicals published earlier in any foreign country without the approval of the Central Government or the prescribed authority.

5. No printing press in India owned by any political party or by an organ of any political party or by a member of a political party shall print any political matter on behalf of any foreign mission.

6 (1) Any printing press in India, other than the printing press referred to in section 5 of this Act, may print any matter dealing with art or science or culture or literature without containing anything relating to politics on behalf of any foreign mission.

(2) Each printing press shall submit half-yearly reports regarding matters printed on behalf of foreign missions, payments received therefor and other related matters to the Central Government or the prescribed authority.

7 No printing press in India shall print on behalf of a foreign mission any periodical, whether of political nature or not, unless such periodical is registered in India under the Press and Registration of Books Act, 1867

8. Any cyclostyled matter circulated regularly in India by any foreign mission without registration under the Press and Registration of Books Act, 1867 shall be treated as unlawful publication of that matter under this Act.

9. Any foreign mission in India importing any literature from any foreign country for the purpose of sale or circulation or for making free gift to any one shall furnish all particulars of such imported literature to the Central Government or the prescribed authority.

10 Any person who violates any provision of this Act shall be punishable with fine which may extend to ten thousand rupees and with imprisonment which may extend to six months in the case of an Indian citizen and with a declaration of '*persona non grata*' in the case of a foreigner attached to a foreign mission in India.

Restriction of import of political literature.

Printing of political literature published earlier in foreign countries.

Party press not to print on behalf of foreign missions

Exemptions.

Registration of periodicals.

Central Government to declare a publication unlawful.

Foreign missions to furnish a list of imported literature. Penalty.

25 of 1867.

25 of 1867.

STATEMENT OF OBJECTS AND REASONS

Huge quantities of propaganda literature are either published in India or are imported from abroad every year by foreign missions in India. Most of the literature is distributed as complimentary copies to millions of persons in this country or sold at a nominal price. Circulation of such propaganda literatures is intended either to influence Indian public opinion or to indoctrinate the Indian people to a particular political ideology. Such political literature and periodicals are found to contain adverse criticism of countries having diplomatic relations with India to the detriment of Indian national interests. Such literature is being published by foreign missions in almost all the major languages of our country.

In no other country of the world such unusual freedom for making political propaganda by a foreign mission is permissible. The Government of India made polite requests to foreign missions to stop such publicity and propaganda campaigns but without any effect.

The object of the Bill is not to stop import of any standard or classical political literature from abroad but its purpose is to stop widespread circulation of cheap propaganda literature by foreign missions in India. The Bill aims at regularisation of printing and import of political literature in India and to stop the practice of subsidising some Indian political parties or their organs by foreign missions in India.

NEW DELHI;

The 5th April, 1977.

SAMAR GUHA.

BILL No. 24 OF 1977

A Bill to provide for the constitution of a Panel of candidates for appointment as Governors of States

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Appointment of Governors Act, 1977.

Short
title.

2. (1) There shall be a Selection Board, nominated by the Central Government, to prepare a panel annually of candidates for appointment as Governors of States and Administrators of Union territories from amongst the candidates on the panel within six months from the date of assent of the President to this Act.

Selection
Board to
prepare a
Panel of
candidates
for
appoint-
ment as
Govern-
ors.

(2) The panel of candidates referred to in sub-section (1) shall consist of 35 selected candidates for appointment as Governors/Administrators of States/Union territories.

(3) The President of India shall appoint in exercise of his constitutional powers, Governors/Administrators from the panel of candidates.

Constitution of
Selection
Board

3. (1) The Selection Board for preparing the panel of candidates for appointment of Governors/Administrators shall consist of the following persons, namely:—

- (a) the last retired Chief Justice of the Supreme Court;
- (b) the Chief Justice of the Allahabad High Court;
- (c) the Chief Justice of the Bombay High Court;
- (d) the Chief Justice of the Madras High Court;
- (e) the Chief Justice of the Calcutta High Court; and
- (f) the Secretary of the Department of Personnel, Ministry of Home Affairs of the Central Government.

(2) The Retired Chief Justice of the Supreme Court shall act as the *ex-officio* Chairman of the Selection Board

(3) The Secretary of the Department of Personnel, Ministry of Home Affairs shall act as the *ex-officio* Secretary of the Board.

(4) The term of Selection Board shall be 3 years.

(5) **The members of the Selection Board shall receive allowances, as specified in the Rules to be framed by the Government of India.**

Pre-
paration
of
Panel,

4. The name of a person may be included in the panel for appointment of Governors/Administrators on the basis of—

- (i) an application from that person, or
- (ii) *suo moto* selection by the Board, or
- (iii) the suggestions made by a Bar Association or a Parliamentary Organisation not being a political party;

Provided that such a person—

- (a) has experience as—
 - (i) judge of the Supreme Court or a High Court,
 - (ii) lawyer of Supreme Court or High Court;
 - (iii) chairman of any Public Undertaking;
 - (iv) vice-Chancellor or Professor of any University recognised by the Government;
 - (v) worker of a social or cultural or educational or scientific institution of an All India character;
- (b) holds at least a bachelor's degree from any recognised university; and
- (c) has records of public service;
- (d) is not less than 55 years or more than 65 years of age at the time of his appointment as a Governor;
- (e) has not been a member of any political party for at least 5 years prior to the submission of his application by him or

the sponsoring of his name by any Bar Association or Parliamentary Organisation;

- (f) has not been a Minister in the Central or any State or any Union territory Government;
- (g) has not been defeated in any election to Lok Sabha or Rajya Sabha or to Legislature of a State or Union territory held within 5 years prior to the consideration of his name for inclusion in the Panel;
- (h) has not been a paid employee of the Central or any State Government or any Union territory Administration or Defence Organisation or Public Sector Company or Corporation or Undertaking;
- (i) has no connection with a profit earning industrial, commercial or similar concern having a working capital of more than rupees one crore; and
- (j) has no association, as a member, with any communal or caste based or sectarian organisation working against the very principle of national integration

5. The panel of candidates for appointment as Governors|Administrators shall be placed before Parliament every year.

Annual
laying of
Panel
before
Parliament.

6. The first Selection Board shall frame necessary rules for its guidance and the rules so framed shall be approved by the Parliament.

Selection
Board
to frame
rules.

7. Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Rules
to be
laid
before
Parliament.

STATEMENT OF OBJECTS AND REASONS

Parliamentary Democracy in India, during the present decade, faced the problem of breakdown of constitutional machinery in various States where the Governors had to exercise their discretion in ascertaining the claim of one party or coalition of various parties as to whether such party or coalition of parties commanded majority in the legislatures of those States to form Governments. However, decisions of Governors on such issue in certain States became, on many occasions, subject matter of criticism inside and outside the Parliament.

In taking decision in regard to applicability of article 356 of the Indian Constitution or ascertaining claims in regard to formation of a Ministry, a Governor sometimes has to face criticism on the ground of making subjective decision. As the office of Governor is a vital link in maintaining the edifice of the Indian Parliamentary Democracy, every effort should be made to keep it free from the probability of subjective predilections and as objective as possible.

This Bill is intended to enable a Governor to exercise his powers and functions in an objective manner so that he can keep himself completely free to discharge his obligations to maintain the sanctity of the Indian Constitution fairly and in an objective manner.

NEW DELHI;
The 5th April, 1977.

SAMAR GUHA

FINANCIAL MEMORANDUM

Sub-clause (5) of Clause 3 of the Bill provides for payment of allowance, to the members of Selection Board. A recurring expenditure of about rupees one lakh is likely to be involved on this account from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (5) of Clause 3 of the Bill empowers the Central Government to frame rules for the fixation of allowances to be paid to the members of Selection Board. Clause 6 empowers the first Selection Board to frame rules for its guidance. The aforesaid matters are of procedure and administrative detail. The delegation of legislative power is of a normal character.

BILL No. 25 OF 1977

A Bill to restrict the motivated political propaganda of foreign countries in India.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Foreign Propaganda in India (Regulation and Control) Act, 1977.

Short title, and commencement.

(2) It shall come into force within three months from the date of its assent by the President.

2. (1) No newspaper, daily or weekly or monthly or any other kind of periodical publication or a souvenir published in India shall accept and publish any press matter, article or news or excerpts from news or part of an article sent free of charge or on payment made by any foreign mission in India or directly by any foreign Government.

Ban on publication of an article or news items etc.

(2) Any news or article referred to in sub-section (1) may be published as an advertisement only provided that its text has been approved by the Press Council of India or by any other competent body set up for this purpose through notification by the Central Government.

Articles
on
Science,
Techno-
logy, etc.

3. (1) Any article on science or technology or art or literature or music may be published by any agency provided that,—

(a) payment is made for the publication of the article;

(b) the name of the writer is printed along with the article;
and

(c) the name of the agency, circulating the article, is mentioned.

(2) Any article referred to in sub-section (1) of this section, if published in any foreign or Indian paper earlier may be re-produced in full or in part in any newspaper or periodical publication, provided that the conditions laid down in sub-section (1) of this section have been fulfilled.

Provisions
of sections
2 and 3
not to
apply to
news cir-
culated by
interna-
tional
news
agencies.

4. The provisions of sections (2) and (3) shall not, apply to news circulated by any accredited international news agency provided that the name of the circulating agency is mentioned along with the news published by any newspaper, daily or periodical of any description.

Mainte-
nance of
records
and ac-
counts by
news-
papers in
respect of
foreign
news
items.

5. (1) The management of a newspaper, daily or periodical, of any description, or of a souvenir shall maintain an entry and account book for—

(a) an advertisement received from a foreign mission or a foreign government;

(b) news items or articles published and circulated by a foreign news agency;

(c) articles re-produced;

(d) payment received for an advertisement, a news item or an article published or re-produced; and

(e) payment made to a foreign news agency.

(2) Any entry and account book, referred to in sub-section (1) of this section, shall be subject to periodical inspection by the Central Government.

Punish-
ment.

6. For violation of any of the provisions of this Act, the manager of a newspaper, daily or weekly or monthly or periodical of any description or the editor of a souvenir shall be liable to fine upto fifteen thousand rupees and imprisonment upto six months.

STATEMENT OF OBJECTS AND REASONS

The aim of the Bill is to curb foreign influence over the Indian news world. India cherishes the ideal of the freedom of press but it has been found that foreign missions and countries are trying to influence press in this country by various dubious means and sell their propaganda material with a view to attempt at political indoctrination of the Indian people which is detrimental to the national interest of this country.

A daily paper or a periodical will have freedom to publish accredited news circulated by news agencies of foreign countries or valuable foreign articles on different subjects but such freedom should not leave any scope for surreptitious political propaganda by interested foreign countries. The Bill seeks to ensure genuine freedom of the press by not permitting foreign motivated political propaganda through mass media of our country.

Hence this Bill.

NEW DELHI;
The 5th April, 1977.

SAMAR GUHA.

BILL No. 45 OF 1977

A Bill to re-name the National Defence Academy, Khadakvasala and the Indian Military Academy, Dehra Dun

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the National Defence Academy, Khadakvasala and the Indian Military Academy, Dehra Dun (Re-naming) Act, 1977.

Re-nam-
ing of
Defence
Acade-
mies.

2. The National Defence Academy, Khadakvasala and the Indian Military Academy, Dehra Dun shall be re-named as the Shivaji Defence Academy and the Netaji Defence Academy respectively.

Act to
be given
effect
within
three
months.

3. The Act shall be given effect to within three months of the date on which it receives the assent of the President.

STATEMENT OF OBJECTS AND REASONS

As a token of our national tribute to the greatest military genius of the last phase of Mughal period, the National Defence Academy, Khadakvasala should be re-named as Shivaji Defence Academy.

Netaji Subhas Chandra Bose has been hailed by the Indian people as an epical hero of our national liberation struggle. His leadership of the Azad Hind Fauj and its liberation expedition against the British power became a glorious part of the history of our freedom struggle. Netaji excelled as a great military leader of our freedom struggle. Similarly, as a token of our national tribute to the great military genius of Netaji Subhas Chandra Bose, the Indian Military Academy, Dehra Dun should also be re-named as Netaji Defence Academy.

Hence this Bill.

NEW DELHI;
The 5th April, 1977.

SAMAR GUHA

BILL NO. 28 OF 1977

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1977.

(2) It shall come into force on the 1st day of January, 1978.

2. Article 370 of the Constitution shall be omitted.

Short
title
and com-
mence-
ment.

Omission
of article
370.

STATEMENT OF OBJECTS AND REASONS

The special status of the State of Jammu and Kashmir being maintained even after more than 27 years of the commencement of the Constitution is an anachronism which must be discarded now. The general legislative competence of Parliament should not be dependent on the sweet-will of the State so far as matters included in the Union List are concerned. It is, therefore, necessary that the power of Parliament to legislate on matters included in the Union List must be restored immediately. In any case the special position enjoyed by the State of Jammu and Kashmir must be ended by the end of 1977.

Hence this Bill.

NEW DELHI;
The 29th April, 1977.

P. K. DEO.

BILL NO. 44 OF 1977

A Bill further to amend the Payment of Bonus Act, 1965.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short
title and
com-
mence-
ment.

1. (1) This Act may be called the Payment of Bonus (Amendment) Act, 1977.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
section 10.

2. In the Payment of Bonus Act, 1965 (hereinafter referred to as the principal Act), in section 10,—

21 of 1965

(i) in sub-section (1), for the words “four per cent” the words “eight and one-third per cent” shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Notwithstanding anything contained in sub-section (1), but subject to the provisions of sections 8 and 13, every employer

shall be bound to pay to every employee in respect of the accounting year commencing on any day in the year 1977 a minimum bonus which shall be eight and one-third per cent. of the salary of wage earned by the employee during that accounting year or one hundred rupees, whichever is higher, whether there are profits in that accounting year or not:

Provided that where such employee has not completed fifteen years of age at the beginning of that accounting year, the provisions of this sub-section shall have effect in relation to such employee as if for the words "one hundred rupees", the words "eighty rupees" were substituted."

3. For section 20 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 20.

"20. Save as otherwise expressly provided, the provisions of this Act shall apply to all establishments in public sector."

Application of Act to establishments in public sector.

4. In the principal Act, the Third Schedule shall be omitted.

Omission of Third Schedule.

STATEMENT OF OBJECTS AND REASONS

The Payment of Bonus Act, 1965, as amended in 1972, fixed the minimum bonus at 8.33 per cent. of the salary or wages earned by an employee during the accounting year. In 1975, these provisions were changed. In the present Act, there is no provision for minimum statutory Bonus. Moreover, the Act does not apply to the establishments in public sector excepting in certain cases. Whereas, it is felt that it should have been extended to all such establishments without exception. The amendments proposed in the Bill seek to achieve these objects.

NEW DELHI;

CHITTA BASU

The 25th April, 1977.

FINANCIAL MEMORANDUM

Clauses 2 and 3 of the Bill provide for an enhanced payment of bonus to workers and application of the provisions of the Act to establishments in public sector. The Bill, if enacted, is likely to involve expenditure from the Consolidated Fund of India in respect of certain undertakings under the control of Central Government. Such an expenditure, however, will not be more than a crore of rupees per annum. There will be no other recurring or non-recurring expenditure.

BILL NO 32 OF 1977

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short
title and
commen-
cement.

1. (1) This Act may be called the Constitution (Amendment) Act, 1977.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
article
19

2. In article 19 of the Constitution, in clause (1), after sub-clause (g), the following new sub-clause shall be inserted, namely:—

“(h) to vote, in case that person has attained the age of eighteen years, but subject to restrictions contained in article 326”.

Amend-
ment of
article
326.

3. In article 326 of the Constitution, for the word “twenty-one”, the word “eighteen” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Under the existing article 326 of the Constitution, a citizen on attaining ~~the~~ age of twenty-one years is entitled to exercise his franchise, whereas, in a court of law and for the purposes of revenue and financial matters, a citizen who has attained the age of eighteen years is deemed to be a major. In view of the principle of equality before law and also in view of the fact that eighteen years of age has been recognised as the age when one is deemed to be an adult, it is not proper to deprive such adults ~~of~~ their right to vote. The Bill, therefore, seeks to entitle all such persons who have attained the age of eighteen years to the right to vote.

NEW DELHI;

LAXMI NARAYAN PANDEYA

The 1st May, 1977.

FINANCIAL MEMORANDUM

The new provision in regard to the right to vote contained in clauses 2 and 3 of the Bill will result in some increase in expenditure from the Consolidated Fund of India on account of printing of electoral rolls which is estimated to be about Rs. 5 lakhs annually. No non-recurring expenditure is involved.

BILL No 35 OF 1977

A Bill further to amend the Arms Act, 1959

BE it enacted by Parliament in the Twenty-eight Year of the Republic of India as follows:—

1 (1) This Act may be called the Arms (Amendment) Act, 1977.

(2) It extends to the whole of India

(3) It shall come into force at once

Short
title, ex-
tent and
commen-
cement.

54 of 1959.

2. In section 2 of the Arms Act, 1959, in sub-section (1), in clause (c), after the words "agricultural uses such as", the words "a muzzle-loading gun or," shall be inserted

Amend-
ment of
section 2

STATEMENT OF OBJECTS AND REASONS

The muzzle-loading gun is mainly used by the farmers generally for protecting their crop from the animals. A licence is required to be obtained even for the muzzle-loading gun under the provisions of the existing law and the farmers have to waste a lot of time, energy and money in obtaining the same. It is, therefore, desirable that muzzle-loading gun, meant for agricultural use, be exempted from licence so that the farmer may procure it without difficulty for protecting his crops and he may not have to waste his time and money.

The proposed amendment seeks to achieve this objective.

NEW DELHI;

LAXMI NARAYAN PANDEYA.

The 1st May, 1977.

BILL No. 34 OF 1977

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1977.

Short
title.

2. In article 352 of the Constitution,—

(a) in clause (1), for the words “internal disturbance”, the words “armed insurrection” shall be substituted;

Amend-
ment of
article
352.

(b) in clause (2),—

(i) in sub-clause (c), for the words “two-months” the words “one month” shall be substituted;

(ii) in the proviso,—

(a) for the words “two months”, the words “one month” shall be substituted;

(b) for the words “thirty days” wherever they occur, the words “fourteen days” shall be substituted;

(iii) after the proviso, the following second proviso shall be inserted, namely:—

“Provided further that a resolution referred to in sub-clause (c) of clause (2) (c) shall be adopted in each House

by a majority of not less than two-thirds of the total membership of that House and by a majority of not less than three-fourth of the members of that House present and voting.”;

(c) in clauses (3) and (4) for the words “internal disturbance” wherever they occur, the words “armed insurrection”, and for the word “disturbance”, the word “insurrection” shall be substituted;

(d) after clause (5), the following new clause shall be inserted, namely:—

“(6) A Proclamation of Emergency, subsequent to its approval by both Houses of Parliament, shall be laid before each House of Parliament at intervals of not more than six months from the date of the passing of the second of the resolutions approving the Proclamation under sub-clause (c) of clause (2), and the Proclamation shall cease to operate unless it is on each occasion approved in the manner set forth in the second proviso to clause (2).”.

STATEMENT OF OBJECTS AND REASONS

During the dark days of tyranny and terror from June 26, 1975 till March 21, 1977, the powers conferred by the Emergency provisions of the Constitution were grossly misused by Shrimati Indira Gandhi and her Government with a view to subverting our democratic institutions, and establishing a vile dictatorship. The Bill seeks to provide adequate safeguards against such misuse by suitably amending article 352.

H. V. KAMATH

NEW DELHI;
The 5th May, 1977.

BILL No. 31 OF 1977

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short
title and
commen-
cement

1. (1) This Act may be called the Constitution (Amendment) Act, 1977.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
article
74.

2. In article 74 of the Constitution, in clause (1), the following proviso shall be inserted at the end, namely:—

“Provided that if any advice of the Council of Ministers relating to a Proclamation under article 356 is not acted upon, the necessary Proclamation shall be deemed to have been issued on the expiry of seventy-two hours from the tendering of such advice and the issue of such a Proclamation may be authenticated by the Speaker of the House of the People.”.

STATEMENT OF OBJECTS AND REASONS

Under the existing provisions of the Constitution, if the President refuses to sign the Proclamation under article 356, the only remedy is impeachment which may delay the execution of that Proclamation. Sometimes the circumstances are such that it is not possible to impeach the President. The recent constitutional crisis for 24 hours over signing the Proclamation of the dissolution of nine Assemblies by the President is a glaring example. The Cabinet which commands the majority of the members of Lok Sabha feels helpless except to follow the course of impeachment. This bill seeks to remove the difficulty mentioned above.

NEW DELHI;

The 6th May, 1977.

KANWAR LAL GUPTA.

BILL No. 43 OF 1977

A Bill to provide for employment to all citizens of not less than 15 years of age, payment of unemployment allowance and for unemployment insurance scheme

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short
title,
extent
and
commen-
cement.

1. (1) This Act may be called the Providing of Employment, Payment of Unemployment Allowance and Unemployment Insurance Scheme Act, 1977.

(2) It shall extend to the whole of India.

(3) It shall come into force at once.

Registra-
tion at
Employ-
ment
Exchange.

2. Every citizen who has attained the age of 15 years and who requires employment shall get his name registered at the Employment Exchange.

3. Employment shall be provided to all the citizens of the country, irrespective of caste, creed, sex and faith, who have attained the age of 15 years and have registered themselves at the Employment Exchange.

Employment to all citizens.

4. Till such time as employment is provided to a citizen under section 3, he or she shall be granted a fixed unemployment allowance of Rs. 50 per month:

Grant of unemployment allowance.

Provided that in the case of a citizen who has acquired matriculation or higher qualification, the allowance shall be Rs. 150 per month.

5. An Unemployment Insurance Scheme shall be started so as to provide for a special fund for the grant of unemployment allowance under this Act.

Unemployment Insurance Scheme.

6. A citizen shall be eligible to receive the benefit under section 4 subject to his furnishing a declaration to contribute to the Unemployment Insurance Scheme immediately after securing employment at the rate of Rs. 5 per month till death or retirement, whichever is earlier, in the case of those who get the allowance of Rs. 50 per month and Rs. 10 per month in the case of those who get the allowance of Rs. 150 per month.

Contribution to Unemployment Insurance

7. The payment under the Act shall be regulated by such rules as the Government may frame and notify from time to time.

Framing and notification of Rules.

STATEMENT OF OBJECTS AND REASONS

In a vast country like India the problem of unemployment has assumed menacing proportions. Even the educated citizens are rendered to a state of begging for their living. The youth of the country are drifting to a state of lawlessness and drug-taking representing thus a national waste. Lack of opportunities of employment in the country have also led to brain drain and exodus of a large number of skilled and unskilled persons abroad. The time has now come for concerted efforts by the State to assure employment to the citizens of the country and to provide unemployment relief to the citizens who have not been able to secure employment. It is also necessary to promote an unemployment insurance scheme for the purpose, so that the scheme will serve to finance the funds for the unemployment relief.

NEW DELHI;
The 11th May, 1977.

PRASANNBHAI MEHTA

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to provide unemployment allowance to the citizens who have attained the age of 15 years or above. This provision involves an initial expenditure. The initial requirements of the scheme may be approximately to the tune of 50 crores from the Consolidated Fund of India.

No recurring expenditure is likely to be involved from the Consolidated Fund of India.

S. L. SHAKDHER,
Secretary-General.

